

**PLANNING DEPARTMENT TRANSMITTAL
TO THE CITY CLERK'S OFFICE**

CITY PLANNING CASE:	ENVIRONMENTAL DOCUMENT:	COUNCIL DISTRICT:
CEQA APPEAL	ENV-2016-2806-CE	4 - RYU
PROJECT ADDRESS:		
2745 OUTPOST DRIVE		
APPLICANT/REPRESENTATIVE:	TELEPHONE NUMBER:	EMAIL ADDRESS:
Applicant: Jean-Pierre Bonavida Representative: Igal Azran/Noesis Inc.	323-842-6869 310-855-3634	jbonavida@aol.com igal@noesisusa.com
<input type="checkbox"/> New/Changed		
APPELLANT/REPRESENTATIVE:	TELEPHONE NUMBER:	EMAIL ADDRESS:
Appellant: Frank Stork Representative: None	323-868-1628	fstork@gmail.com
PLANNER CONTACT INFORMATION:	TELEPHONE NUMBER:	EMAIL ADDRESS:
Will Hughen	818-374-5049	william.hughen@lacity.org
ENTITLEMENTS FOR CITY COUNCIL CONSIDERATION:		
NONE		
FINAL ENTITLEMENTS NOT ADVANCING:		
N/A		
ITEMS APPEALED:		
CEQA Appeal of Categorical Exemption – ENV-2016-2806-CE		

	REVISED:	ENVIRONMENTAL CLEARANCE:	REVISED:
<input checked="" type="checkbox"/> Letter of Determination <input checked="" type="checkbox"/> Findings of Fact <input checked="" type="checkbox"/> Staff Recommendation Report <input checked="" type="checkbox"/> Conditions of Approval <input type="checkbox"/> Ordinance <input type="checkbox"/> Zone Change Map <input type="checkbox"/> GPA Resolution <input type="checkbox"/> Land Use Map <input type="checkbox"/> Exhibit A - Site Plan <input checked="" type="checkbox"/> Mailing List <input type="checkbox"/> Land Use <input type="checkbox"/> Other _____	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input checked="" type="checkbox"/> Categorical Exemption <input type="checkbox"/> Negative Declaration <input type="checkbox"/> Mitigated Negative Declaration <input type="checkbox"/> Environmental Impact Report <input type="checkbox"/> Mitigation Monitoring Program <input type="checkbox"/> Other _____	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>

NOTES / INSTRUCTION(S):

Related Case: DIR-2015-2805-DRB-SPP-1A

FISCAL IMPACT STATEMENT:

Yes No

*If determination states administrative costs are recovered through fees, indicate "Yes".

PLANNING COMMISSION:

- | | |
|-------------------------------------------------------------|---------------------------------------------------------------------------|
| <input type="checkbox"/> City Planning Commission (CPC) | <input type="checkbox"/> North Valley Area Planning Commission |
| <input type="checkbox"/> Cultural Heritage Commission (CHC) | <input type="checkbox"/> South LA Area Planning Commission |
| <input type="checkbox"/> Central Area Planning Commission | <input checked="" type="checkbox"/> South Valley Area Planning Commission |
| <input type="checkbox"/> East LA Area Planning Commission | <input type="checkbox"/> West LA Area Planning Commission |
| <input type="checkbox"/> Harbor Area Planning Commission | |

PLANNING COMMISSION HEARING DATE:

July 14, 2016

COMMISSION VOTE:

5-0

LAST DAY TO APPEAL:

APPEALED:

September 13, 2017

TRANSMITTED BY:

Rocky Wiles

TRANSMITTAL DATE:

September 19, 2017



SOUTH VALLEY AREA PLANNING COMMISSION

200 North Spring Street, Room 532, Los Angeles, California, 90012-4801, (213) 978-1300
www.planning.lacity.org

LETTER OF DETERMINATION

MAILING DATE: MAR 17 2017

Case No.: DIR-2015-2805-DRB-SPP-1A
CEQA: ENV-2015-2806-CE
Plan Area: Hollywood

Council District: 4 – Ryu

Project Site: 2745 West Outpost Drive

Applicant: Jean-Pierre Bonavida

Appellant: Frank Stork; Mark Lielein

At its meeting of **July 14, 2016**, the South Valley Area Planning Commission took the actions below in conjunction with the approval of the following project:

A new 7,056 square-foot, two-story, single-family dwelling on a 33,567 square-foot lot, with a maximum height of 29-feet and including a pool, spa and retaining walls.

1. **Determined** based on the whole of the administrative record, the Project is exempt from CEQA pursuant to CEQA Guidelines, Article III, Section 1, and class 3 and Category 1, and there was no substantial evidence demonstrating that an exception to a categorical exemption pursuant to CEQA Guidelines, Section 15300.2 applies;
2. **Denied** in part and **granted** in part the appeal; and
3. **Sustained** in part the Planning Director's Determination;
4. **Adopted** the attached Conditions of Approval as modified by the Commission; and
5. **Adopted** the attached Findings.

Commission Vote:

Moved: Dierking
Seconded: Kim
Ayes: Beatty, Mather, Cochran

Vote: 5 – 0

Renee Glasco, Commission Executive Assistant I
South Valley Area Planning Commission

Fiscal Impact Statement: There is no General Fund impact as administrative costs are recovered through fees.

Effective Date/Appeals: The decision of the South Valley Area Planning Commission is final upon the date of this determination letter and it is not further appealable.

If you seek judicial review of any decision of the City pursuant to California Code of Civil Procedure Section 1094.5, the petition for writ of mandate pursuant to that section must be filed no later than the 90th day following the date on which the City's decision became final pursuant to California Code of Civil Procedure Section 1094.6. There may be other time limits which also affect your ability to seek judicial review.

Attachments: Modified Conditions of Approval, and Findings

c: Kevin Jones, Senior City Planner
Thomas Glick, City Planner
Isaiah Ross, Planning Assistant

CONDITIONS OF APPROVAL

As Modified by the South Valley Area Planning Commission July 14, 2016

1. **Site Development.** Except as modified herein, the project shall be in substantial conformance with the plans and materials submitted by the Applicant, labeled "Exhibit E-1 to E-13", dated 2/2/16, and attached to the subject case file. No change to the plans shall be made without prior review by the Department of City Planning, Plan Implementation Division, and written approval by the Director of Planning. Each change shall be identified and justified in writing. Minor deviations may be allowed in order to comply with the provisions of the Municipal Code, the project conditions, or the project permit authorization.
2. **Floor Area.** The project shall be limited to 7,065.7 gross square feet and 6,000 square feet of calculated residential floor area (deducting from the gross total, the exemptions for covered parking and covered porch or patio or balcony areas).
3. **Height.** The project shall be limited to 29 feet in height.

Design Review Conditions

4. **Roof-Top Equipment.** No roof-mounted equipment shall be proposed per Design Guideline 37.
5. **Exterior Lighting.** All exterior lighting must be downward facing and shielded per Design Guideline 40.
6. **Construction Parking.** During the construction of the project, all construction vehicles shall be parked either entirely on the project site or at remote location located not on Outpost Drive.
7. **Landscape Plan.** The applicant shall submit a revised Landscape Plan to show the following:
 - a. Select plants from the "Preferred Species for Wet Locations" List on the Preferred Plant List for the proposed Low Impact Development (LID) planters on the northwest perimeter of the building per Design Guideline 73.
8. **MRCA Conservation Easement.** As volunteered by the applicant, the applicant shall agree to the following conditions by the Mountains Recreation and Conservation Authority (MRCA):
 - a. The applicant shall show proof of recordation and agency acceptance of a conservation easement(s) in favor of the MRCA over the portion of the property depicted on the diagrams accompanying the MRCA's March 17, 2016 letter. (Said diagram is overlain on a project site plan map). No City permits shall be granted without proof of such an easement recordation and a Certificate of Acceptance from the MRCA. Said acceptance shall not be unreasonably withheld or delayed by the MRCA.
 - b. The applicant shall provide the MRCA with an engineer-stamped recordable easement metes and bounds legal description and plotted map, and a current preliminary title report. Said title report shall demonstrate that the conservation easement is not subordinate to any construction liens and that no new easements or encumbrances after the date of this letter will affect the conservation easement. The entirety of the easement area shall prohibit grading after the date of issuance of a Certificate of Occupancy. The entirety of the easement shall also prohibit fencing, walls, and lighting, planting of non-native vegetation, structures, or hardscape.

The easement shall expressly allow for fuel modification and the cultivation and irrigation of plants native to the Santa Monica Mountains.

Administrative Conditions

9. **Final Plans.** Prior to the issuance of any building permits for the project by the Department of Building and Safety, the applicant shall submit all final construction plans that are awaiting issuance of a building permit by the Department of Building and Safety for final review and approval by the Department of City Planning. All plans that are awaiting issuance of a building permit by the Department of Building and Safety shall be stamped by Department of City Planning staff "Final Plans". A copy of the Final Plans, supplied by the applicant, shall be retained in the subject case file.
10. **Notations on Plans.** Plans submitted to the Department of Building and Safety, for the purpose of processing a building permit application shall include all of the Conditions of Approval herein attached as a cover sheet, and shall include any modifications or notations required herein.
11. **Approval, Verification and Submittals.** Copies of any approvals, guarantees or verification of consultations, review of approval, plans, etc., as may be required by the subject conditions, shall be provided to the Department of City Planning prior to clearance of any building permits, for placement in the subject file.
12. **Code Compliance.** Use, area, height, and yard regulations of the zone classification of the subject property shall be complied with, except where granted conditions differ herein.
13. **Department of Building and Safety.** The granting of this determination by the Director of Planning does not in any way indicate full compliance with applicable provisions of the Los Angeles Municipal Code Chapter IX (Building Code). Any corrections and/or modifications to plans made subsequent to this determination by a Department of Building and Safety Plan Check Engineer that affect any part of the exterior design or appearance of the project as approved by the Director, and which are deemed necessary by the Department of Building and Safety for Building Code compliance, shall require a referral of the revised plans back to the Department of City Planning for additional review and sign-off prior to the issuance of any permit in connection with those plans.
14. **Enforcement.** Compliance with these conditions and the intent of these conditions shall be to the satisfaction of the Department of City Planning.
15. **Expiration.** In the event that this grant is not utilized within three years of its effective date (the day following the last day that an appeal may be filed), the grant shall be considered null and void. Issuance of a building permit, and the initiation of, and diligent continuation of, construction activity shall constitute utilization for the purposes of this grant.
16. **Indemnification and Reimbursement of Litigation Costs.** Applicant shall do all of the following:
 - (i) Defend, indemnify and hold harmless the City from any and all actions against the City relating to or arising out of, in whole or in part, the City's processing and approval of this entitlement, including but not limited to, an action to attack, challenge, set aside, void, or otherwise modify or annul the approval of the entitlement, the environmental review of the entitlement, or the approval of

- subsequent permit decisions, or to claim personal property damage, including from inverse condemnation or any other constitutional claim.
- (ii) Reimburse the City for any and all costs incurred in defense of an action related to or arising out of, in whole or in part, the City's processing and approval of the entitlement, including but not limited to payment of all court costs and attorney's fees, costs of any judgments or awards against the City (including an award of attorney's fees), damages, and/or settlement costs.
 - (iii) Submit an initial deposit for the City's litigation costs to the City within 10 days' notice of the City tendering defense to the Applicant and requesting a deposit. The initial deposit shall be in an amount set by the City Attorney's Office, in its sole discretion, based on the nature and scope of action, but in no event shall the initial deposit be less than \$25,000. The City's failure to notice or collect the deposit does not relieve the Applicant from responsibility to reimburse the City pursuant to the requirement in paragraph (ii).
 - (iv) Submit supplemental deposits upon notice by the City. Supplemental deposits may be required in an increased amount from the initial deposit if found necessary by the City to protect the City's interests. The City's failure to notice or collect the deposit does not relieve the Applicant from responsibility to reimburse the City pursuant to the requirement in paragraph (ii).
 - (v) If the City determines it necessary to protect the City's interest, execute an indemnity and reimbursement agreement with the City under terms consistent with the requirements of this condition.

The City shall notify the applicant within a reasonable period of time of its receipt of any action and the City shall cooperate in the defense. If the City fails to notify the applicant of any claim, action, or proceeding in a reasonable time, or if the City fails to reasonably cooperate in the defense, the applicant shall not thereafter be responsible to defend, indemnify or hold harmless the City.

The City shall have the sole right to choose its counsel, including the City Attorney's office or outside counsel. At its sole discretion, the City may participate at its own expense in the defense of any action, but such participation shall not relieve the applicant of any obligation imposed by this condition. In the event the Applicant fails to comply with this condition, in whole or in part, the City may withdraw its defense of the action, void its approval of the entitlement, or take any other action. The City retains the right to make all decisions with respect to its representations in any legal proceeding, including its inherent right to abandon or settle litigation.

For purposes of this condition, the following definitions apply:

"City" shall be defined to include the City, its agents, officers, boards, commissions, committees, employees, and volunteers.

"Action" shall be defined to include suits, proceedings (including those held under alternative dispute resolution procedures), claims, or lawsuits. Actions includes actions, as defined herein, alleging failure to comply with any federal, state or local law.

Nothing in the definitions included in this paragraph are intended to limit the rights of the City or the obligations of the Applicant otherwise created by this condition.

FINDINGS

The proposed project is the demolition of an existing 3,158 square-foot, single-family dwelling, and the construction of a new, 7,065.7 square-foot, two-story, single-family residence (including an attached, 400 square-foot, two-car garage, and 665.7 square feet of covered porch or patio or balcony area), on a 33,567 square-foot lot. The proposed project includes a new pool and spa, and retaining walls. The project requires 700 cubic yards of cut, 1,500 cubic yards of fill, and 800 cubic yards of import. The proposed project's maximum height is 29 feet. The project is located in the Inner Corridor, is downslope, is subject to the Baseline Hillside Ordinance, and is visible from Mulholland Drive.

1. A recommendation was made by the Mulholland Design Review Board, pursuant to Los Angeles Municipal Code Section 16.50:

The proposed project is subject to the design review process because it is located within the boundaries of the Mulholland Scenic Parkway Specific Plan.

The Design Review Board met on March 17, 2016 where the board convened a quorum of 4 members. The vote was unanimous (4-0) recommending conditional approval of the project since the project will substantially comply with Section 16.50, Subsection E of the Los Angeles Municipal Code as well as the relevant design guidelines and development provisions of the Plan. The conditions recommended by the board were:

- a. No roof-mounted equipment shall be proposed per Design Guideline 37.
 - b. All exterior lighting must be downward facing and shielded per Design Guideline 40.
 - c. The applicant shall submit a revised Landscape Plan to show the following:
 - Select plants from the "Preferred Species for Wet Locations" List on the Preferred Plant List for the proposed Low Impact Development (LID) planters on the northwest perimeter of the building per Design Guideline 73.
 - d. As volunteered by the applicant, the applicant shall agree to the following conditions by the Mountains Recreation and Conservation Authority (MRCA):
 - The applicant shall show proof of recordation and agency acceptance of a conservation easement(s) in favor of the MRCA over the portion of the property depicted on the diagrams accompanying the MRCA's March 17, 2016 letter. (Said diagram is overlain on a project site plan map). No City permits shall be granted without proof of such an easement recordation and a Certificate of Acceptance from the MRCA. Said acceptance shall not be unreasonably withheld or delayed by the MRCA.
 - The applicant shall provide the MRCA with an engineer-stamped recordable easement metes and bounds legal description and plotted map, and a current preliminary title report. Said title report shall demonstrate that the conservation easement is not subordinate to any construction liens and that no new easements or encumbrances after the date of this letter will affect the conservation easement. The entirety of the easement area shall prohibit grading after the date of issuance of a Certificate of Occupancy. The entirety of the easement shall also prohibit fencing, walls, lighting, planting of non-native vegetation, structures, or hardscape. The easement shall expressly allow for fuel modification and the cultivation and irrigation of plants native to the Santa Monica Mountains.
- 2. The project substantially complies with the applicable regulations, findings, standards, and provisions of the specific plan.**

Based on a review of the plans submitted with the application, marked Exhibit E-1 to E-13, dated 2/2/2016, DIR-2015-2805-DRB-SPP-MSP, the Director of Planning makes the following findings in accordance with the applicable design review criteria of the Mulholland Scenic Parkway Specific Plan, Ordinance No. 167,943, effective June 29, 1992:

Section 5.A: Uses

The project proposes the use of land for a one-family dwelling, which is a permitted use and as such, the project use complies with Section 5.A of the Specific Plan.

Section 5.B: Environmental Protection Measures

The subject property is not defined as a “prominent ridge” as per the definition in Section 4 since no ridgeline appears near the property on the map of the Specific Plan Area: Map 12 of 12. As such, the project complies with Sections 5.B.1.a and 5.B.1.b, which limit grading and visibility on the defined Prominent Ridges in the Plan area. Furthermore, according to the same map and <http://zimas.lacity.org> the project is further than 100 feet from a watercourse and more than 200 feet from public parkland; complying with Section 5.B.2, which limits grading within 100 feet of a stream bank and Section 5.B.3, which limits construction and grading within 200 feet of public parkland. The project does not propose to remove, move, or alter any protected or native trees, which include Oak trees, in accordance with Section 5.B.4. Finally, should the applicant encounter any archeological or paleontological resources while grading for the project, the applicant will need to follow the necessary notification procedures pursuant to California Health and Safety Code Sections 7000 et sequentia to appropriately handle these resources, fulfilling the intent of Section 5.B.5 that seeks to protect these resources. As such, the project complies with Section 5.B of the Specific Plan.

Section 5.C: Grading

The project requires 700 cubic yards to be cut, 1,500 will be used for fill, and 800 cubic yards will be imported; zero cubic yards will be exported. In Section 5.C the Plan states that:

The Director may approve grading up to two cubic yards of earth per four square feet of lot area per lot after making the following findings:

- a. The Department of Building and Safety or the Bureau of Engineering has determined that such grading is required to provide access driveways, pedestrian accessways, drainage facilities, slope easements, and/or dwelling foundations.*
- b. All grading conforms to the standards set forth in the Landform Grading Manual, unless the Department of Building and Safety has determined that landform grading will conflict with the provisions of Divisions 29 and 70 of Article 1 of Chapter IX of the Code.*
- c. The graded slopes have a natural appearance compatible with the characteristics of the Santa Monica Mountains.*
- d. The Department of Building and Safety has determined that grading will minimize erosion.*

Per this Section, the applicant would be limited to 1,500 cubic yards of grading for the 33,567 square-foot lot. This grading is necessary for the reasonable development of the property for the single-family dwelling, conforms with the Landform Grading manual, and as conditioned in this determination letter the design of the home will be compatible with the Santa Monica Mountains. Furthermore the applicant is required to obtain grading permits and follow all practices imposed on them during the process of grading from the Building and Safety Grading Division. As such, the project complies with Section 5.C of the Specific Plan.

Section 5.D: Building Standards

The project is visible from Mulholland Drive. As per Section 5.D.1 of the Specific Plan:

The Director may approve a project's penetration into the viewshed after making the following findings:

- a. *The Department of Building and Safety has determined that the height of the project does not exceed the height limit in lowed in paragraphs a, b or c of subdivision 2.*
- b. *The project is designed to complement the view from Mulholland Drive.*

The project is on a downslope lot and is furthermore within 500 feet of the Mulholland right-of-way. As such, the project's height is limited to 40 feet. As proposed, the project is 29 feet high. However, per Section 3.B of the Specific Plan, where the Los Angeles Municipal Code (LAMC) has a lower height requirement, the LAMC prevails and as such, the project is also subject to the envelope height requirements of the Baseline Hillside Ordinance. As such, the project complies with Sections 5.D.1.a and 5.D.2.c.

The project does not abut the right-of-way and is more than 100 feet in depth. As such, per Section 5.D.3.a, the project's front yard is required to be not less than 20% of the lot depth, but no more than 40 feet. The project's front yard does not abut Mulholland Drive and is therefore not subject to this clause. As per Section 5.D.3.b, the project's side yard on each side of the main building is required to be not less than 10% of the width of the lot, but no more than 20 feet. While the project does not abut the right-of-way, the lot depth is more than 100 feet. As such, Section 5.D.3 does not apply to the project.

The project proposes a retaining wall visible from Mulholland Drive. The retaining wall is constructed of concrete material, and therefore complies with Section 5.D.4, which requires a finish such as rough-cut, unfinished wood; native-type stone; split face concrete block; textured plaster walls; black or dark green chain link or wrought iron; or a combination thereof.

The roof, which is visible from Mulholland Drive, will not have any equipment placed on it, and will be surfaced with non-glare materials. As such, the project complies with Section 5.D.7.

The project does not seek the entitlement for a new subdivision, and as such is not subject to Section 5.D.6.

As such, the project complies with Section 5.D of the Specific Plan.

Section 11.I.3: Design Review Criteria

Based on a review of the project proposal, and the recommendation of the Design Review Board, the proposed single family residence, as modified by the conditions herein, is compatible with the surrounding homes and the parkway environment in terms of design, massing, materials, and color and as such complies with Section 11.I.3 of the Plan.

Design Guideline 37: Roof-top Equipment

The Specific Plan prohibits roof-mounted equipment within the Inner Corridor (with the exception of solar energy devices) on any roof which is visible from Mulholland Drive, and should be avoided for all projects if alternative locations are available. Any permitted roof-mounted equipment should be screened from the view of neighboring properties or higher elevation vantage points. Per Condition of Approval Number 4, the project complies with Design Guideline 37.

Design Guideline 40: Exterior Lighting

Minimize the visual impact of lighting to preserve the Scenic Parkway's park-like setting, avoid the creation of an urban street environment, and protect the movement of wildlife. Lighting sources should be white light. Direct lighting fixtures downward to illuminate only the project property. Avoid uplighting into trees, exterior illumination of buildings and structures, and floodlighting. Shield exterior lighting fixtures to screen the light source. All exterior/outdoor lighting needs to be shown on the project's elevations and landscape plan. Per Condition of Approval Number 5, the project complies with Design Guideline 40.

Design Guideline 50: Neighborhood Compatibility

The size of the project including the square footage and height is compatible with the other neighboring homes. The project proposes 6,000 square feet and a 17.87% Floor Area Ratio. Nearby homes have an average of 2,756.90 square feet and an FAR of 24.26%. Finally, the project's finish materials of Dark Latte colored stucco, Durango Cream 3D Honed Ledger Stone and Sycamore Maple Wood Trellises are also found in nearby homes. As such, the project's size and design fits with the neighborhood and complies with compatibility Design Guideline 50.

Design Guideline 71: Planning and Design for Sustainable Building Practices

The project will follow the Green Building and Low Impact Development codes, as seen on Exhibit E-2. As such, the project complies with sustainable building practice Design Guideline 71.

Design Guideline 73: Water Efficiency

All projects should limit the amount of water required for the use and maintenance of the site. Per Condition of Approval Number 6, the project complies with Design Guideline 73.

- 3. The project incorporates mitigation measures, monitoring measures when necessary, or alternatives identified in the environmental review, which would mitigate the negative environmental effects of the project, to the extent physically feasible.**

Mitigation measures are not necessary for the subject project, and there are no potentially significant negative environmental effects associated with the project. The Director of Planning has determined that the project is Categorical Exempt from the environmental review pursuant to Article III, Section 1, and Class 3 and Category 1 of the City of Los Angeles CEQA Guidelines.

OBSERVANCE OF CONDITIONS - TIME LIMIT - LAPSE OF PRIVILEGES

All terms and conditions of the Director's Determination shall be fulfilled before the use may be established. The instant authorization is further conditioned upon the privileges being utilized within **three years** after the effective date of this determination and, if such privileges are not utilized, building permits are not issued, or substantial physical construction work is not begun within said time and carried on diligently so that building permits do not lapse, the authorization shall terminate and become void.

TRANSFERABILITY

This determination runs with the land. In the event the property is to be sold, leased, rented or occupied by any person or corporation other than yourself, it is incumbent that you advise them regarding the conditions of this grant. If any portion of this approval is utilized, then all other conditions and requirements set forth herein become immediately operative and must be strictly observed.

VIOLATIONS OF THESE CONDITIONS, A MISDEMEANOR

Section 11.00 of the LAMC states in part (m): "It shall be unlawful for any person to violate any provision or fail to comply with any of the requirements of this Code. Any person violating any of the provisions or failing to comply with any of the mandatory requirements of this Code shall be guilty of a misdemeanor unless that violation or failure is declared in that section to be an infraction. An infraction shall be tried and be punishable as provided in Section 19.6 of the Penal Code and the provisions of this section. Any violation of this Code that is designated as a misdemeanor may be charged by the City Attorney as either a misdemeanor or an infraction.

Every violation of this determination is punishable as a misdemeanor unless provision is otherwise made, and shall be punishable by a fine of not more than \$1,000 or by imprisonment in the County Jail for a period of not more than six months, or by both a fine and imprisonment."